

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

CR-08-000020

August 11, 2008
1:10 p.m.

UNITED STATES OF AMERICA -vs- TIMOTHY P. VILLAGOMEZ, et al

PRESENT: HON. DAVID A. WISEMAN, DESIGNATED JUDGE PRESIDING
RANDY SCHMIDT, LAW CLERK
K. LYNN LEMIEUX, COURTROOM DEPUTY
SANAE N. SHMULL, COURT REPORTER
ERIC O'MALLEY, ASSISTANT U.S. ATTORNEY
TIMOTHY P. VILLAGOMEZ, DEFENDANT
DAVID LUJAN, ATTORNEY
JOEY SAN NICOLAS, ATTORNEY
BRIEN SERS NICHOLAS, ATTORNEY
JOAQUINA V. SANTOS, DEFENDANT
RICHARD PIERCE, ATTORNEY
JAMES A. SANTOS, DEFENDANT
COLIN THOMPSON, ATTORNEY

PROCEEDINGS: INITIAL APPEARANCE/ARRAIGNMENT

Assistant U.S. Attorney Eric O'Malley appeared on behalf of the Government. Defendants Timothy P. Villagomez, Joaquina Santos, and James Santos were present in court. Attorneys David Lujan, Brien Sers Nicholas, Joey San Nicolas, Richard Pierce, and Colin Thompson were there to represent their clients. Also present were U.S. Probation Officer, Melinda Brunson and FBI Special Agent, Dana McMann.

JAMES A. SANTOS. Represented by Attorney Colin Thompson.

Attorney Thompson requested some time to review the indictment with his client. Court so ordered and they left the Courtroom.

TIMOTHY P. VILLAGOMEZ. Represented by Attorney David Lujan , Brien Sers Nicholas and Joey San Nicolas.

Attorney Lujan stated that they wished to proceed with arraignment.

Defendant was sworn. Court examined the defendant about his knowledge of the charges against him and his constitutional rights.

Defendant waived reading of the indictment and pled **NOT GUILTY** to the charges against him. Court ordered jury trial to begin on **MONDAY, OCTOBER 6, 2008 at 9:00 a.m.** Pretrial motions to be filed no later than Monday, August 25, 2005.

Government moved that the defendant be released on unsecured bond of \$50,000 and conditions; including no contact with potential witnesses in this case.

Court ordered that the defendant be released on \$50,000 unsecured bond and the following conditions:

1. That the defendant shall submit to pretrial services supervision under the direction of the United States Probation Office and abide by all standard conditions and that he must report at any time as requested;
- 2) The defendant must not leave the CNMI without written permission from the Court;
- 3) That the defendant shall not commit any offense in violation of federal, state or local law while on release in this case;
- 4) That the defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- 5) That the defendant execute a unsecured bond in the amount of \$50,000.
- 6) That the defendant avoid all contact, directly or indirectly with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, included but not limited to all co-defendants in this case except in preparation of his defense and in the presence of his attorney.
- 7) That the defendant shall surrender his passport and any other travel documents and not obtain any other travel documents or passport; and
- 8) That he refrain from possessing firearms, destructive device, or other dangerous weapons, or to have at residence.

Court ordered that he be remanded into the custody of the U.S. Marshal for processing.

JAMES SANTOS. Represented by Attorney Colin Thompson. Defendant reappeared and requested to go forward with arraignment.

Defendant was sworn. Court examined the defendant about his knowledge of the charges against him and his constitutional rights.

Defendant waived reading of the indictment and pled **NOT GUILTY** to the charges against

him. Court ordered jury trial to begin on **MONDAY, OCTOBER 6, 2008 at 9:00 a.m.** Pretrial motions to be filed no later than Monday, August 25, 2005.

Government moved for release with \$50,000 unsecured bond and conditions; including no contact with potential witnesses. Government had no objection to the defendant traveling to Rota as long as he notifies the U.S. Probation Office beforehand.

Court ordered the defendant be released on \$50,000 bond and the following conditions:

1. That the defendant shall submit to pretrial services supervision under the direction of the United States Probation Office and abide by all standard conditions and that he must report at any time as requested;
- 2) The defendant must not leave the CNMI without written permission from the Court; except for her work on the island of Rota and with pre-notification to the Probation Office.
- 3) That the defendant shall not commit any offense in violation of federal, state or local law while on release in this case;
- 4) That the defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- 5) That the defendant execute a unsecured bond in the amount of \$50,000.
- 6) That the defendant avoid all contact, directly or indirectly with any persons (except his wife) who are or who may become a victim or potential witness in the subject investigation or prosecution, included but not limited to co-defendant, Timothy Villagomez, except in preparation of his defense and in the presence of his attorney.
- 7) That the defendant shall surrender his passport and any other travel documents and not obtain any other travel documents or passport; and
- 8) That he refrain from possessing firearms, destructive device, or other dangerous weapons, or to have at his residence.

Court ordered that he be remanded into the custody of the U.S. Marshal for processing.

JOAQUINA V. SANTOS. Represented by Attorney Richard Pierce.

Defendant was sworn. Court examined the defendant about her knowledge of the charges against her and her constitutional rights.

Defendant waived reading of the indictment and pled **NOT GUILTY** to the charges against her. Court ordered jury trial to begin on **MONDAY, OCTOBER 6, 2008 at 9:00 a.m.** Pretrial motions to be filed no later than Monday, August 25, 2008.

Government moved for release with \$50,000 unsecured bond and conditions; including no contact with potential witnesses. Government has no objection to the defendant traveling to Rota as long as she notifies the U.S. Probation Office beforehand.

Court ordered the defendant be released on \$50,000 bond and the following conditions:

1. That the defendant shall submit to pretrial services supervision under the direction of the United States Probation Office and abide by all standard conditions and that he must report at any time as requested;
- 2) The defendant must not leave the CNMI without written permission from the Court; except for her work on the island of Rota and with pre-notification to the Probation Office.
- 3) That the defendant shall not commit any offense in violation of federal, state or local law while on release in this case;
- 4) That the defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- 5) That the defendant execute a unsecured bond in the amount of \$50,000.
- 6) That the defendant avoid all contact, directly or indirectly with any persons (except her husband) who are or who may become a victim or potential witness in the subject investigation or prosecution, included but not limited to co-defendant, Timothy Villagomez, except in preparation of her defense and in the presence of her attorney.
- 7) That the defendant shall surrender her passport and any other travel documents and not obtain any other travel documents or passport; and
- 8) That she refrain from possessing firearms, destructive device, or other dangerous weapons, or to have at her residence.

Court ordered that she be remanded into the custody of the U.S. Marshal for processing.

Adjourned at 1:45 p.m.

/s/K. Lynn Lemieux. Courtroom Deputy